

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 17**  
**SEPTEMBER 21, 2017**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Mills, who requested a moment of silence in honor of the victims of Hurricanes Harvey, Irene and Irma.

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting 16 from 2017. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. DIXON presented a resolution Congratulating Hilbert College on Their 60th Anniversary and Thanking the College for its Service to the Community Through its Franciscan Day of Caring on Sept. 29, 2017.

Item 6 – MR. LORIGO presented a resolution Recognizing the Month of September 2017 as National Preparedness Month and Community Emergency Response Teams' Commitment to Helping Others be Prepared for Emergency Situations.

Item 7 – MR. MILLS, MR. LORIGO, MR. MORTON, MS. DIXON, MR. HARDWICK & MR. RATH presented a resolution Proclaiming Sept. 17-23, 2017 as Sheriff's Week in Erie County.

Item 8 – MR. MORTON presented a resolution Honoring Dick Young as the Erie County Legislature's Citizen of the Month for September 2017, and Recognize his Lifetime of Service to Lancaster.

Item 9 – MR. RATH presented a resolution Congratulating the Getzville Fire Company on Their 100 Years of Service to the Community.

MR. LORIGO moved for consideration of the above five items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above five items to include one miscellaneous resolution from MR. BURKE, two miscellaneous resolutions from MS. DIXON, two miscellaneous resolution from MR. SAVAGE, and to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above ten items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 10 – CHAIR MILLS directed that Local Law No. 17 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLS directed that Local Law No. 18 (Print #1) 2016 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 19 (Print #1) 2016 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 5 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – MR. LORIGO moved to take Local Law No. 13 (Print #1) 2017 off the table. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve Local Law No. 13 (Print #1) 2017, to override the County Executive's veto. MR. MORTON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 6; NOES: 5)

FAILED.

Item 20 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 21 – MS. DIXON presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

September 14, 2017	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. INTRO. 14-2 (2017)

**MILLER-WILLIAMS:** "Supporting H.R. 1143 "Hygiene Assistance for Families of Infants and Toddlers Act of 2017" in the US House of Representatives"

(5-0) Legislator Miller-Williams not present for vote.

b. COMM. 14E-1 (2017)

**COUNTY EXECUTIVE:** "Opioid Epidemic Response Programming - Authorization to Issue Contracts per RFP#1715VF"

(5-0) Legislator Miller-Williams not present for vote.

2. COMM. 16E-24 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the purpose of this resolution is to authorize entering into contract for Cancer Services reimbursement from multiple sources with Great Lakes Imaging and United Memorial Medical Center for the provision of eligible clinical services to begin immediately upon approval of this resolution and extend through September 30, 2018; and

WHEREAS, the provision of clinical services is based upon New York State Department of Health assigned rates for the Cancer Services Program of Erie County; and

WHEREAS, access to routine cancer screening is proven to reduce the mortality rate from cancer; and

WHEREAS, everyone, regardless of income or insurance status should have access to lifesaving cancer screening services and treatment; and

WHEREAS, the funds necessary to cover the costs of this contract have been appropriated in the 2017 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments to that contract with Great Lakes Imaging and United Memorial Medical Center for the provision of eligible clinical services to begin immediately upon approval of this resolution and extend through September 30, 2018; and be it further

RESOLVED, that funds necessary to cover the costs of this contract are available in the Fund 110, Fund Center 12700, Professional Services, Contracts and Fees (Account# 516020); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9<sup>th</sup> Floor, Rath Building.

(5-0) Legislator Miller-Williams not present for vote.

3. COMM. 16E-25 (2017)  
**COUNTY EXECUTIVE AS AMENDED**

The NYS Office of Children and Family Services Bureau of Youth Development have approved an additional \$15,854 in Runaway and Homeless Youth funds for Homeless and Runaway Youth and Transitional Independent Living Programs in Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and or amend existing contracts in order to provide additional youth programs and services through the NYS Office of Children and Family Services Bureau of Youth Development funding; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the 2017 Budget of the Youth Bureau as follows:

Fund Center 12530 - Youth Bureau

Revenue		Increase
408060	Homeless Reimbursement	\$15,854
Expense		
517653	Homeless Reimbursement Teaching and Restoring Youth (TRY)	\$15,854
	Net Change	-0-

and be it further;

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Social Services, and the Division of Youth Services.  
(5-0) Legislator Miller-Williams not present for vote.

4. COMM. 16E-31 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County child protective services (“CPS”) investigates reports alleging child abuse or neglect; and

WHEREAS, Enterprise Charter School wants a CPS worker assigned to its school; and

WHEREAS, the Department of Social Services has agreed to provide a CPS worker if Enterprise Charter School pays the local share costs of the employee; and

WHEREAS, the annual local share cost estimated at \$54,126 will be reimbursed by the Enterprise Charter School System and the balance reimbursed through State funding.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to contract with Enterprise Charter School to allow the Department of Social Services to accept funds for providing a dedicated Senior Child Protective Worker in their school; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.  
(5-0) Legislator Miller-Williams not present for vote.

LYNNE M. DIXON  
CHAIR

Item 22 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

September 14, 2017	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 16D-12 (2017)  
**COUNTY ATTORNEY:** “Opinion Regarding LL Intro. 13-1 (2017)”  
(Chair’s Motion)
  - b. COMM. 16D-13 (2017)  
**MAJORITY COUNSEL, LEGISLATURE:** “Response to County Attorney's Opinion Regarding LL Intro. 13-1 (2017)”  
(Chair’s Motion)
2. COMM. 16E-21 (2017)  
COUNTY EXECUTIVE  
WHEREAS, the District Attorney through the Aid to Prosecution Grant provides needed services to the residents of Erie County; and

WHEREAS, the District Attorney, per the grantor’s request, has programmatically restructured this grant and the budgeted positions therein to take effect as of October 1, 2017; and

WHEREAS, the contract received from the NYS DCJS authorizes funding levels different from the adopted budget; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Aid to Prosecution Grant Budget in Book B for 2017

NOW, THEREFORE, BE IT

RESOLVED, that effective October 1, 2017, the following positions be transferred from fund 281, cost center 1140050, grant 114ATP1718, to fund 110, fund center 11400, (B100 #9582):

- Assistant District Attorney II (Position #422)
- Confidential Criminal Investigator – X (Position #1856)
- Confidential Criminal Investigator – X (Position #1858)
- TCI Case Coordinator (Position #51001962)
- Legal Secretary (Position #5852)
- Clerk Typist (Position #1546)

and be it further

RESOLVED, that authorization is hereby provided to reallocate funds in the District Attorney's Aid to Prosecution Grant as follows:

Aid to Prosecution Grant  
October 1, 2017 to September 30, 2018  
Fund: 281, Cost Center: 1140050, Grant: 114ATP1718

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
410900 State Aid Revenue	\$ 484,700	\$ 115,587	\$ 600,287
479000 County Share Contribution	<u>1,276,386</u>	<u>(607,282)</u>	<u>669,104</u>
Total Revenue	<u>\$1,761,086</u>	<u>\$(491,695)</u>	<u>\$1,269,391</u>
 <u>Appropriation</u>			
500000 Full Time Salaries	\$ 1,135,978	\$(304,800)	\$ 831,178
502000 Fringe Benefits	619,108	(186,895)	432,213
505000 Office Supplies	3,000	- 0 -	3,000
530000 Other Expenses	<u>3,000</u>	<u>- 0 -</u>	<u>3,000</u>
Total Appropriations	<u>\$1,761,086</u>	<u>\$(491,695)</u>	<u>\$1,269,391</u>

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing adjustments, and be it further,

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the District Attorney's 2017 budget, to be adjusted as follows:

Fund 110, Fund Center 11400

Increase /  
(Decrease)

500000 Full Time Salaries	\$ 65,630
502000 Fringe Benefits	34,128
559000 County Share Contribution	<u>(99,757)</u>
	<u>\$ - 0 -</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller and the Director of Budget and Management.

(6-0)

3. COMM. 16E-22 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the District Attorney through the Victim Witness Assistance Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Victim Witness Assistance Grant Budget in Book B for 2017-2018; and

WHEREAS, the contract received from the New York State Office of Victim Services authorizes positions and funding levels different from the adopted budget;

NOW, THEREFORE, BE IT

RESOLVED, that effective October 1, 2017, authorization is hereby provided to delete two positions of Victim/Witness Case Aide (JG 5) and one position of Victim/Witness Case Aide-Spanish Speaking (JG 5) (B100 #9602); and be it further

RESOLVED, that effective October 1, 2017, authorization is hereby provided to create four positions of Sr. Victim/Witness Case Aide (JG 7) (B100 #9602); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim Witness Assistance Grant to match authorized state funding levels, to be adjusted as follows:

VICTIM WITNESS ASSISTANCE GRANT  
114VICTIMWTNSS1718  
October 1, 2017 – September 30, 2018

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
414000 Federal Aid	\$ 455,500	\$99,500	\$ 555,000
479000 County Share Contribution	<u>187,231</u>	<u>(22,319)</u>	<u>164,912</u>
Total Revenue	<u>\$ 642,731</u>	<u>\$ 77,181</u>	<u>\$719,912</u>

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Appropriation</u>			

500000 Full Time Salaries	\$ 374,367	\$ 51,507	\$ 425,874
500350 Other Employee Payments	1,820	1,365	3,185
501000 Overtime	10,000	- 0 -	10,000
502000 Fringe Benefits	269,544	24,309	293 853
510000 Local Mileage Reimbursement	4,500	- 0 -	4,500
516020 Professional Fees	7,500	- 0 -	7,500
911490 ID DA Grant Services	<u>(25,000)</u>	<u>- 0 -</u>	<u>(25,000)</u>
Total Appropriations	<u>\$ 642,731</u>	<u>\$ 77,181</u>	<u>\$ 719,912</u>

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Management is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing adjustments, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller, Erie County Personnel and the Director of Budget and Management.

(6-0)

4. COMM. 16E-23 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Personnel coordinates the Erie County Effective Supervisory Practices course, as well as other professional development and leadership courses; and

WHEREAS, the Department of Personnel wishes to engage vendors to continue providing professional services including various management, supervisory and staff training, to improve productivity, teamwork, communication skills, and enhance leadership practices.

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is included as Attachment A to this resolution; and

WHEREAS, the selection process has determined that Developing Professionals, the Illuminare Group, and The Center for Family Systems Theory, are the most appropriate and cost-effective firms to provide content for professional development and leadership training; and

WHEREAS the Department of Personnel desires to continue contracting with Developing Professionals, the Illuminare Group, and The Center for Family Systems Theory for a three (3) year contract period; and

WHEREAS, the Department of Personnel has funds available within their 2017 budget to pay for the 2017 professional development training programs for employees.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract for three (3) years with Developing Professionals, Illuminare, and The Center

For Family Systems Theory for the provisions of professional development training, in an amount not to exceed \$12,000 total per year; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, the County Comptroller, the County Attorney, the Director of Budget and Management, and the County Executive's Office.

(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 23 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

September 14, 2017	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13E-41 (2017)  
**MORTON:** "Letter to County Executive Regarding the Status of Como Lake"  
(6-0)
  - b. COMM. 15E-5 (2017)  
**COUNTY EXECUTIVE:** "Erie County Shared Services Initiative Panel Proposed Plan"  
(6-0)
  - c. COMM. 16E-8 (2017)  
**MILLS:** "Legislature's Shared Services Advisory Report"  
(6-0)
2. COMM. 10E-24 (2017)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Award of Construction was approved for the 2017 Capital Overlay A Contract (the "Project") on May 25, 2017 via Communication 10E-9.; and

WHEREAS, the Project Cost was incorrectly listed in the resolution as Construction for \$1,235,469.86 and a total amount as \$1,311.500 but should have been listed as Construction for \$1,238,529.86 and a total amount of \$1,314,560; and

NOW, THEREFORE, BE IT

RESOLVED, that the Award of Construction, as intended previously for the project cost for the 2017 Capital Overlay A contract be amended to reflect the correct dollar amounts; and be it further

RESOLVED, that the County Executive be authorized to execute the Award of Construction amount for the 2017 Capital Overlay Contract A Project CAP 05.127.241-2017, with revised Construction as \$1,238,529.86 with a Total amount of \$1,314,560; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

3. COMM. 16E-7 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Lake Avenue corridor is in need of improvements to address numerous roadway deficiencies along with dealing with mixed use of the area, such as trucking firms, railroad crossings, residential and leisure use; and

WHEREAS, over the years, the Department of Public Works has been using spot patching as a repair measure; and

WHEREAS, it has been determined by the Department of Public Works that the best solution for Lake Avenue is to reconstruct the road and repave it; and

WHEREAS, before construction can commence, this road project is in need of design; and

WHEREAS, it has been determined, through use of the County's RFP Selection Process, that LaBella Associates, DPC has the necessary qualifications to provide the engineering design services for this project; and

WHEREAS, funds exist in SAP Project B.16002-Preservation of Roads – Design Program for work on Lake Avenue; and

WHEREAS, the Department of Public Works desires to use these funds to begin the design work on this roadway.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract for Engineering Design Services for the design of the Reconstruction of Lake Avenue (CR 200), in the Town of Hamburg/Village of Blasdell with LaBella Associates, DPC for an amount not to exceed \$175,000; and be it further

RESOLVED, SAP Project B.16002 – 2016 Preservation of Roads - Design Program, will be utilized to perform the necessary study and design of Lake Avenue (CR 200), in the Town of Hamburg/Village of Blasdell; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

4. COMM. 16E-30 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County (EC) Polling Site at the Friendship Center in Ellicott Creek Park is not in compliance with Americans with Disability Act (ADA) regulations, upgrades to the parking lot and building are required, including, but not limited to, the extension of the north parking lot, parking lot lighting and signage, and improvements to access to building entrances; and

WHEREAS, the County of Erie received bids for the EC Polling Sites Improvements and ADA Upgrades – 2017 Ellicott Creek Park – Friendship Center Renovations project on March 29, 2017; and

WHEREAS, the lowest responsible bidder for the EC Polling Sites Improvements and ADA Upgrades – 2017 Ellicott Creek Park – Friendship Center Renovations project is Galbo Construction Inc.; and

WHEREAS, the Erie County Department of Public Works and the consultant are recommending award of the contract to the lowest responsible bid; and

WHEREAS, the construction costs are not to exceed \$314,800 along with a contingency fund not to exceed \$47,200 for a total cost of not to exceed \$362,000; and

WHEREAS, the County of Erie will be reimbursed for 84.8% of the construction cost through federal Help America Vote Act (HAVA) grant funds available from the Board of Elections (BOE) in Funds Center 1500020, Fund 281, Account 575000 – Inter-fund Expense Non-Subsidy, Grant 150HAVASHOBOX0214 and the remaining 15.2% will come from the previously approved 2016 Capital Project A.16015 – 2016 Parks Roads, Pathway and Parking Lot Repair in Business Area 164, Fund 410; and

WHEREAS, a new capital project is requested in the Department of Public Works in Business Area 122, Fund 410, in the amount of \$306,935 funded by federal grant funds which will be transferred from the BOE grant 150HAVASHOBOX0214 in Funds Center 1500020, Fund 281.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the EC Polling Sites Improvements and ADA Upgrades – 2017 Ellicott Creek Park – Friendship Center Renovations project for an amount not to exceed as follows:

General Construction Work

Galbo Construction Inc.	Base Bid:	\$266,900
	Add Alternate No. 1:	\$ 47,900
Total Award of Construction Contract:		\$314,800

; and be it further

RESOLVED, that the sum of \$47,200 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that any savings realized from change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that authorization is hereby given for the creation of a new capital project A.17xxx in the Department of Public Works, Business Area 122, Fund 410, in the amount of \$306,935 funded by federal grant funds which will be transferred from the BOE grant 150HAVASHOBOX0214, Funds Center 1500020, Fund 281, Account 575000 – Interfund Expense Non-Subsidy, as follows:

Department of Public Works  
2017 Ellicott Creek Park – Friendship Center Renovations  
A.17xxx, Fund 410, BA 122

REVENUE	INCREASE
450000 Interfund Revenue Non-Subsidy	<u>\$306,935</u>
TOTAL REVENUE	\$306,935
APPROPRIATIONS	INCREASE
Capital Project Exp	<u>\$306,935</u>
TOTAL APPROPRIATIONS	\$306,935

; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payments for all the above from the following capital projects as follows:

BA 122, Fund 410, A.17xxx – 2017 Ellicott Creek Park –Friendship Center Renovations	\$ 306,935
BA 164, Fund 410, A.16015 – 2016 Parks Roads, <u>Pathway and Parking Lot Repair</u>	<u>\$ 55,065</u>
Total Payment Not To Exceed:	\$ 362,000

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Board Of Elections, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.  
(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 24 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

September 14, 2017	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 6-9 (2017)  
**MILLER-WILLIAMS**: “Improving Service to Patients at Erie County Medical Center”  
(6-0)
  - b. COMM. 10E-16 (2017)  
**COMPTROLLER**: “Performance Audit of EC Department of Personnel - The Family and Medical Leave Act for Year Ended Dec. 31, 2015”  
(6-0)
  - c. COMM. 16E-15 (2017)  
**COMPTROLLER**: “2017 Bond Sale Notification”  
(Chair’s Motion)
  - d. COMM. 16D-11 (2017)  
**DEPARTMENT OF BUDGET & MANAGEMENT**: “Budget Monitoring Report for Period Ending June 2017”  
(Chair’s Motion)
  - e. COMM. 16M-10 (2017)  
**DRESCHER & MALECKI LLP**: “Audit of Financial Statements for Year Ended Dec. 31, 2016”  
(Chair’s Motion)
2. COMM. 13E-24 (2017)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the lease for the space used by the Home Energy Assistance Program (HEAP) has expired and the Department would like to move to new space; and

WHEREAS, after a request-for-proposal process, the Department concluded the best location for HEAP was 460 Main Street, Buffalo, NY 14202; and

WHEREAS, the Department of Social Services is requesting authorization to enter into a lease at 460 Main Street with 4858 Group, LP for useable 20,520 sq. feet; and

WHEREAS, the base rent cost for 460 Main Street is \$19.78 per square foot for all five years of the lease (\$405,888.00 Annual Cost); and

WHEREAS, there is no local share for the space used by HEAP; and

WHEREAS, funds for these contracts are available from the Department of Social Service's operating budget.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to enter into a five-year lease with 4858 Group, LP for 20,520 sq. feet at 460 Main Street for a base rent cost of \$19.78 per square foot for all five years; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Commissioner of Social Services, Erie County Attorney, and the Director of the Division of Budget and Management.

(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 25 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

September 14, 2017	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 13M-10 (2016)  
**TOWN OF LANCASTER:** “Town Resolution Regarding Support for Como Lake to Remain a Lake”  
(Chair’s Motion)
- b. COMM. 19E-11 (2016)  
**COUNTY EXECUTIVE:** “Community Solar Project - MOU Regarding Preliminary Community Solar Evaluation”  
(Chair’s Motion)
- c. COMM. 16E-13 (2017)  
**COUNTY EXECUTIVE:** “EC Sewer District Nos. 1-6 & 8 - Section 271 Resolutions”  
(Chair’s Motion)

2. COMM. 16E-9 (2017)  
**COUNTY EXECUTIVE**  
WHEREAS, Erie County Sewer District (ECSD) Nos. 3 and 6 will be working on improvements to the Southtowns Water Resource Recovery Facility, Bethlehem Park Pumping Station, and Seal Street Pumping Station; and

WHEREAS, the partial closing of ECSD Nos. 3 and 6 capital reserve projects C.00007 and C.00006, respectively, will help to fund the aforementioned improvements; and

WHEREAS, the use of said capital reserve funds will allow for implementation of these improvements without incurring long-term financing costs.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the partial closings of up to \$300,000 in capital reserve project C.00007 in Erie County Sewer District (ECSD) No. 3 and up to \$80,000 in capital reserve project C.00006 in ECSD No. 6 to assist with the necessary improvements in each respective district; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process residual equity transfers of up to \$300,000 from the ECSD No. 3 capital reserve project, WBS element C.00007.95, funds center 183, fund 430, GL 570000 – Interfund Transfer-Subsidy and up to \$80,000 from the ECSD No. 6 capital reserve project, WBS element C.00006.95, funds center 186, fund 430, GL 570000 – Interfund Transfer-Subsidy and increase the revenues and appropriations in the respective 2017 ECSD operating budgets as follows:

ECSD No. 3, Funds Center 183, Fund 220

REVENUE	INCREASE
486010 – Residual Equity Transfer-In	<u>\$300,000</u>
TOTAL REVENUE	\$300,000
APPROPRIATIONS	INCREASE
516020 – Professional Services	\$200,000

561410 – Lab and Technical Equipment	<u>\$100,000</u>
TOTAL APPROPRIATIONS	<u>\$300,000</u>

ECSD No. 6, Funds Center 186, Fund 220

REVENUE	INCREASE
486010 – Residual Equity Transfer-In	<u>\$80,000</u>
TOTAL REVENUE	<u>\$80,000</u>

APPROPRIATIONS	INCREASE
561410 – Lab and Technical Equipment	<u>\$80,000</u>
TOTAL APPROPRIATIONS	<u>\$80,000</u>

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate these transfers; and be it further

RESOLVED, that any unused funds be returned to the respective capital reserve projects and the operating budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller, and the Director of the Division of Budget and Management; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management.  
(6-0)

3. COMM. 16E-10 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 3 is undertaking an improvement project at the Boston Valley Pump Station pursuant to Legislative Comm. 7E-9 (2017); and

WHEREAS, the Erie County Division of Sewerage Management identified the need to repair 80 linear feet of 24-inch diameter storm sewer within the New York State Department of Transportation (NYSDOT) right of way along State Route 391 in Hamburg, NY to facilitate proper drainage from the site during construction activities; and

WHEREAS, the Erie County Division of Sewerage Management provided the services, materials, and equipment required to install 80 linear feet of 24-inch diameter storm pipe under Contract No. BVPS #3-A (General/Mechanical), with the exception of the pipe material provided by NYSDOT; and

WHEREAS, entering into a NYSDOT Shared Services Agreement for replacement of the storm sewer will allow for NYSDOT to perform work of similar cost in the future for the County.

NOW, THEREFORE BE IT

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning is hereby authorized to sign the NYSDOT Shared Services Agreement for the aforementioned work; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget, and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

4. COMM. 16E-11 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Division of Sewerage Management identified that additional funds are needed to pay for laboratory supplies/personal protective equipment, maintenance contracts, and rental charges for the remainder of the year; and

WHEREAS, the Division of Sewerage Management analyzed the budget and expenses and determined that surpluses will exist in Accounts 505600 – Auto, Truck, and Heavy Equipment Supplies, 516020 – Professional Service Contracts and Fees, and 555050 – Insurance Premiums; and

WHEREAS, a transfer of funds from accounts with surplus funds will allow ECSD No. 3 to maintain daily operations with no net impact on the 2017 budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of Erie County Sewer District No. 3:

DIVISION OF SEWERAGE MANAGEMENT  
ERIE COUNTY DISTRICT NO. 3  
FUND CENTER – 18310  
FUND 220

<u>INCREASE:</u>	<u>AMOUNT</u>
505800 Medical and Health Supplies	\$15,000
516030 Maintenance Contracts	5,000
545000 Rental Charges	<u>50,000</u>
Total	<u>\$70,000</u>
<u>DECREASE:</u>	<u>AMOUNT</u>
505600 Auto, Truck, & Heavy Equipment Supplies	\$25,000
516020 Professional Service Contracts and Fees	40,000
555050 Insurance Premiums	<u>5,000</u>
Total	<u>\$70,000</u>

; and be it further

RESOLVED, that authorization is hereby granted for the County Comptroller and/or the Director of the Division of Budget and Management to make any required budgetary adjustments to implement the actions and appropriations in this resolution; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller, and the Director of the Division of Budget and Management; and two (2) certified copies be sent to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management.  
(6-0)

5. COMM. 16E-12 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to lead and manage many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern (AOC); and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, DEP provides technical assistance regarding the management of the Erie County Natural Habitat Parks; and

WHEREAS, the USEPA approached DEP to apply for the USEPA's Great Lakes Restoration Initiative funding for continuing local coordination of the Buffalo River Remedial Action Plan (RAP) and implementing and protecting habitat restoration projects; and

WHEREAS, Buffalo Niagara Riverkeeper, through their past experience successfully managing and coordinating the Buffalo River RAP, was identified in the USEPA approved work plan as a Sub-Awardee to Erie County to provide these professional services; and

WHEREAS, additional professional services will be utilized for competitive bidding of invasive species management and maintenance; and

WHEREAS, the USEPA awarded Erie County a Great Lakes Restoration Initiative of \$546,020 to complete a one-year Erie County Buffalo River RAP Project Management Project, the first year of a two-year grant commitment; and

WHEREAS, a 23.26% local match is required and will be provided by Erie County DEP staff in-kind; and

WHEREAS, the addition of this Buffalo River AOC RAP Coordination initiative necessitates the execution of a contract with the USEPA and Buffalo Niagara Riverkeeper; the adoption of a grant budget; the transfer of a Senior Environmental Compliance Specialist (JG-12)

position from the Buffalo River RAP Project Management grant 162BRRPM0916 to the new grant and the creation of a General Crew Chief – Parks (JG-11).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$546,020 from the United States Environmental Protection Agency (USEPA) for the purpose of establishing a one-year Erie County Buffalo River Remedial Action Plan (RAP) Project Management grant, the first year of a two-year grant commitment; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with Buffalo Niagara Riverkeeper for a sub-award not to exceed \$149,923 from the USEPA for the purpose of managing the Buffalo River RAP, coordinating the Remedial Action Committee and Area of Concern (AOC) delisting documents; and be it further

RESOLVED, that the grant budget and project period for the USEPA Great Lakes Restoration Initiative grant is hereby created in the Department of Environment and Planning, business area 162, fund 281 as follows:

Erie County Buffalo River RAP Project Management  
SAP Grant Account #162BUFRRIVERRAP1718  
October 1, 2017 – September 30, 2018

REVENUE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
414000	Federal Aid Revenue	<u>\$546,020</u>
TOTAL REVENUE		\$546,020

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$ 69,600
502000	Fringe Benefits	\$ 44,376
510100	Out of Area Travel	\$ 2,000
505000	Office Supplies	\$ 1,500
510200	Training and Education	\$ 1,000
516020	Professional Services	\$329,288
916400	ID Parks Services	<u>\$ 98,256</u>
TOTAL APPROPRIATIONS		\$546,020

and be it further

RESOLVED, that the following position, which is 100% grant funded, will be transferred from the Buffalo River RAP Project Management grant 162BRRRPM0916, business area 162, fund 281 into the newly created grant 162BUFRRIVERRAP1718 upon consumption of the budget in the current grant:

Senior Environmental Compliance Specialist (JG-12)  
B-100 # 9515, Budgeted Annual Salary: \$69,600

and be it further

RESOLVED, that the following position, which will be 100% reimbursed via ID billing from the newly created grant 162BUFRIVERRAP1718, be created in the Department of Parks, Recreation and Forestry, business area 164, fund 110 for the duration of the grant commitment:

General Crew Chief – Parks (JG-11)  
B-100 # 9631, Budgeted Annual Salary: \$60,000

and be it further

RESOLVED, that the 2017 and 2018 Operating Budgets for the Department of Parks, Recreation and Forestry be increased as follows:

2017 Budget  
Funds Center 16410, Fund 110  
October 1, 2017 – December 31, 2017

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$15,000
502000	Fringe Benefits	\$9,564
916400	ID Parks Services	(\$24,564)
TOTAL APPROPRIATIONS		\$0

2018 Budget  
Funds Center 16410, Fund 110  
January 1, 2018 – September 30, 2018

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$45,000
502000	Fringe Benefits	\$28,692
916400	ID Parks Services	(\$73,692)
TOTAL APPROPRIATIONS		\$0

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Daniel

Rizzo, Commissioner of Parks and Recreation; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.  
(6-0)

TED B. MORTON  
CHAIR

Item 26 – MR. RATH presented the following report and moved for consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

September 14, 2017	PUBLIC SAFETY COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 8-8 (2017)  
**GRANT:** “Inappropriate and Undignified Appearance by Sheriff Tim Howard at Racially-Charged Rally in the Heart of Downtown Buffalo”  
(6-0)
  - b. INTRO. 11-3 (2017)  
**LOUGHRAN:** “Support for Crime Stoppers”  
(6-0)
2. COMM. 1E-19 (2017)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Jail Management Division (JMD) finds it necessary to make certain purchases for the safe and efficient operation of the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, the Sheriff’s Office is not mandated to operate an Americans with Disabilities Act (ADA) compliant transport vehicle, however recently, inmates with special needs have forced the Sheriff’s Office to utilize transport services for movement of inmates with special needs; and

WHEREAS, the Sheriff’s Office proposes purchasing an ADA compliant van that can be used to transport both inmates with special needs and without; and

WHEREAS, the Department of Public Works and the Sheriff’s Office have agreed to expand Capital Project A.11007 and enhance security camera coverage and data storage at the Erie County Holding Center and the Correctional Facility; and

WHEREAS, the expansion will provide addition cameras and public and secure areas of the facilities and provide upgrades to allow existing cameras to interface with video management system; and

WHEREAS, last year, the JMD purchased the same machine and has experience success in stemming the introduction of contraband through U.S. Mail parcels; and

WHEREAS, the new machine will be placed at the Erie County Correctional Facility to increase anti-contraband efforts and make the process more efficient; and

WHEREAS, the correctional facility needs to replace damaged inmate common area table in some of the units; and

WHEREAS, the Sheriff's Office has successfully trained thirty (30) Deputies and Corrections Officers through Crisis Services' mental health intervention training; and

WHEREAS, the Sheriff's Office seeks to train an additional 30 officers; and

WHEREAS, in accordance with COMM. 6E-24, 2013, the County Executive and the Sheriff agree that telephone revenue should be dedicated to the operation of the holding center and the correctional facility and recommend the transfer of funds to purchase aforementioned items to ensure inmate welfare; and

WHEREAS, the balance of the Telephone Revenue account is \$898,049.96, and

WHEREAS, there will be no impact on county tax dollars with the appropriation of the Jail Telephone Revenue funds.

NOW, THEREFORE, BE IT

RESOLVED, that \$256,954.76 in available Telephone Revenue Funds are hereby transferred to the appropriate Erie County Sheriff's Office and County accounts; and be it further

RESOLVED, that the legislature does hereby authorize the following budgetary transactions:

Erie County Sheriff's Office Division of Jail Management  
Fund 110, Fund Center 116

<u>REVENUE</u>		<u>INCREASE</u>
415622	Jail Phone Revenue	<u>\$ 256,954.76</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
510200	Training and Education	\$ 15,000.00
561410	Lab & Technical Equipment	\$ 141,914.76
561440	Motor Vehicles	\$ 48,040.00
570050	Interfund Transfer Subsidy - Capital	\$ 52,000.00
Total Appropriations		<u>\$ 256,954.76</u>

; and be it further

Erie County Department of Public Works  
Fund 410, Fund Center 122  
Project A.11007  
2011 Video & Door Control Upgrades – CF & HC

<u>REVENUE</u>		<u>INCREASE</u>
486000	Interfund Transfer Subsidy	<u>\$ 52,000.00</u>
<u>APPROPRIATIONS</u>		<u>INCREASE</u>
516020	Pro Ser Cnt and Fees	<u>\$ 52,000.00</u>

; and be it further

RESOLVED, the legislature does hereby authorize the County Executive to enter into a two-year contract, with an option for an additional three years, with ChemImage Sensor Systems, LLC for purchase of the mail screener detection equipment as well as for software service agreements; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer should there be any unforeseen issues; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to Telephone Revenue account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff Office for implementation.

(6-0)

3. COMM. 1E-20 (2017)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, Capital Project A.14076, Sheriff's Firing Range, is close to completion; and

WHEREAS, there remains an outstanding invoice for \$38,000.00 for engineering services; and

WHEREAS, this will allow the County to close the project; and

WHEREAS, the Seized Asset Forfeiture Account balance is \$206,938.83; and

WHEREAS, the funds transferred from the Seized Assets Forfeiture Account are U.S. Department of Justice authorized expenditures.

NOW, THEREFORE, BE IT

RESOLVED, that \$38,000.00 is available in the Asset Forfeiture Trust Fund account, and that \$32,147.00 is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

Erie County Sheriff's Office's Sheriff's Division  
Fund 110, Fund Center 115

<u>REVENUE</u>		<u>INCREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$ 38,000.00</u>

<u>APPROPRIATIONS</u>		<u>INCREASE</u>
570050	Interfund Transfer Subsidy - Capital	<u>\$ 38,000.00</u>

; and be it further

Erie County Department of Public Works  
Fund 410, Fund Center 122  
Project A.14076  
2014 Sheriff's Firing Range

<u>REVENUE</u>		<u>INCREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$ 38,000.00</u>

<u>APPROPRIATIONS</u>		<u>INCREASE</u>
516020	Professional Services & Fees	<u>\$ 38,000.00</u>

; and be it further

RESOLVED, that designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate these transfers if there are any unforeseen issues; and be it further

RESOLVED, that the Department of Public Works is hereby authorized to pay Foit-Albert Associate, Architecture, Engineering and Surveying, PC., an amount not to exceed \$38,000.00 for professional services received for A.14076 – Sheriff's Firing Range; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary for engineering services; and be it further

RESOLVED, the Legislature shall forward certified copies of this resolution to the Division of Budget and Management, Erie County Comptroller, and the Chief of Administration of the Sheriff office.

(6-0)

4. COMM. 14E-13 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Sheriff's Office maintains and chaplain unit to provide religious services and spiritual counseling to inmates of varying faiths and beliefs, and

WHEREAS, the Sheriff's Office seeks to enter into agreements with to additional religious leaders for inmate services, and

NOW, THEREFORE, BE IT

RESOLVED, the legislature does hereby authorize the County Executive and the Sheriff's Office to enter into agreements with Deacon Miguel Santos and the Reverend Joseph Gaglione at a rate of \$50.00 per service; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff Office for implementation.

(6-0)

5. COMM. 16E-26 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant (JAG) program through the U.S. Department of Justice; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services (CPS) to provide law enforcement software enhancements for its projects.

WHEREAS, CPS seeks authorization to contract with Globalquest Solutions, Inc., a local WBE/New York State contract vendor, to enhance the Criminal History Arrest Records Management System (SHARMS) by adding a series of audit tables that will track users who access (view/print) sensitive records and begin changing the method used to authenticate users in each program..

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County Executive to accept grant funding from the City of Buffalo in the amount of \$5,700; and be it further

RESOLVED, that the authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Central Police Services  
Grant Fund 281 – SAP #165CPSJAG1620  
10/1/16 – 9/30/20

Revenue

Increase

414000 Federal Aid	\$5,700
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$5,700
Total Appropriation	\$5,700

; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Globalquest Solutions Inc., a local WBE/New York State contract vendor in the amount of \$5,700 to provide the professional technical staff for these projects; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal approved funding levels and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Central Police Services, attention: Brian Speers.  
(6-0)

6. COMM. 16E-27 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$1,407,426 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$1,407,426 in federal resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$1,407,426 in federal grant funding for the Department of Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions with existing Department of Homeland Security and Emergency Services Homeland Security grants to SHSP FY 2017 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, that this grant, under the Department of Homeland Security and Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the grant fund 281, as follows:

Erie County Department of Homeland Security and Emergency Services  
FY 2017 State Homeland Security Program (SHSP)  
September 1, 2017 – August 31, 2020

Revenue	Increase
Account 414000 Federal Aid	\$1,407,426
Appropriations	Increase
Account 500000 Full Time Salaries	\$338,261
Account 500010 Part Time Salaries	\$22,080
Account 502000 Fringe Benefits	\$193,669
Account 505200 Clothing Supplies	\$1,000
Account 505800 Medical & Health Supplies	\$10,000
Account 510100 Out of Area Travel	\$8,500
Account 510200 Training & Education	\$6,000
Account 515000 Utility Charges	\$144,000
Account 516020 Professional Contracts & Fees	\$5,750
Account 516030 Maintenance Contracts	\$480,165
Account 561410 Lab & Technical Equipment	\$71,000
Account 561440 Motor Vehicles	\$62,001
Account 912400 ID Mental Health Service	<u>\$65,000</u>
Total Appropriations	\$1,407,426

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State and Federal approved funding levels; and be it further

RESOLVED, that where existing personnel are funded out of homeland security grants as additional homeland security funding becomes available those existing positions can carry over to future homeland security grant years; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Homeland Security and Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

7. COMM. 16E-28 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, Hayco is a certified narcotics detection and police service police dog was purchased with fund from the Seized Assets Forfeiture Fund; and

WHEREAS, due to age and increasing health issues, Hayco will be retiring from service by September 30, 2017; and

WHEREAS, since the handler/canine relationship is special and unique it is appropriate to transfer ownership to the handler.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature hereby authorized the Erie County Executive and the Erie County Sheriff's Office to enter into an agreement with Deputy Bradford Ballantyne for the consideration of one (1) U.S. Dollar for the transfer of ownership of Hayco; and be it further

RESOLVED, Deputy Ballantyne shall assume full responsibility for the canine under such agreement and shall further hold the County of Erie and the Erie County Sheriff's Office harmless against any and all liability; be it further

RESOLVED, Certified copies of this resolution be forwarded to the Erie County Executive, Erie County Purchasing Department, the County Attorney, the Erie County Comptroller, and the Office of the Sheriff for implementation.  
(6-0)

EDWARD A. RATH III  
CHAIR

MR. RATH moved to separate item Number 3, and moved to approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. RATH moved to amend item Number 3. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Replace the First Resolved Clause with the following:

RESOLVED, that \$38,000.00 is available in the Asset Forfeiture Trust Fund account, and that \$38,000.00 is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

MR. RATH moved to approve item Number 3 as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

Item 27 – CHAIR MILLS directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 17-1 from LEGISLATOR MILLER-WILLIAMS. Reinstatement of the EC Community Corrections Advisory Board.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 28 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 17-2 from LEGISLATOR BURKE. Re: Ensuring the Protection of Consumer Data in Light of the Equifax Data Breach

RESOLUTION NO. 193

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR BURKE**

WHEREAS, early this week Hurricane Maria, a Category 5 storm, made landfall on Puerto Rico subjecting the island to sustained winds as strong as 155 mph. The entire territory is currently without power and is predicted to receive as much as two feet of rain by the end of the week. The combination of broken buildings, downed power lines and flash flooding could be catastrophic to millions; and

WHEREAS, Hurricane Maria's destruction will cost the territory millions of dollars or more at a time when Puerto Rico is facing crippling debt, thus impacting the local government's ability to provide goods and services to those most in need; and

WHEREAS, in the past cultural organizations in the City of Buffalo have come to the aid of those suffering showcasing Buffalo as the City of Good Neighbors; and

WHEREAS, Puerto Rico is a territory of the United States and as such we all have a responsibility to come to the aid of our fellow Americans in the wake of such terrible devastation.

NOW, THEREFORE, BE IT

RESOLVED, that due to the devastation rendered by Hurricane Maria on the island of Puerto Rico, the Erie County Legislature voices its support for a Cultural Organizations' drive to collect items for those in need.

RESOLVED that copies of this resolution will be sent to the WNY Congressional Delegation, Resident Commissioner Jenniffer Gonzalez, and all other parties deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 17-3 from LEGISLATOR BURKE. Re: Voicing Support for Bill H.R.676 "The United States National Health Care Act" in the House of Representatives and Adjoining Bill S.1804 in the Senate

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

Item 30 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-12 from the COUNTY EXECUTIVE. Department of Public Works, Division of Highways - Transfer of Funds - Operating Budget

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 31 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-13 from the COUNTY EXECUTIVE. Bridge NY Local Project Agreement with NYSDOT - Trevett Rd Bridge Over Eighteen Mile Creek Replacement - Town of Boston - PIN 5762.15 - NYS Comptroller Amendment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-14 from the COUNTY EXECUTIVE. Bridge NY Project Agreement with NYSDOT - Quaker St Bridge Over Clear Creek Replacement - Town of Collins - PIN 5762.14 - NYS Comptroller Amendment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 33 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-15 from the COUNTY EXECUTIVE. Department of Probation - Equipment Replacement - Utilizing Forfeiture Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 34 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-16 from LEGISLATOR LOUGHRAN. Letter to County Executive Regarding Recommendations for Appointment to the EC Community Coordinating Council on Children and Families

Received and filed.

Item 35 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 17-4 from LEGISLATOR BURKE. Re: Buffalo for Puerto Rico: Collecting Items for Those in Need in the Wake of Hurricane Maria

RESOLUTION NO. 194

A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR BURKE

WHEREAS, early this week Hurricane Maria, a Category 5 storm, made landfall on Puerto Rico subjecting the island to sustained winds as strong as 155 mph. The entire territory is currently without power and is predicted to receive as much as two feet of rain by the end of the week. The combination of broken buildings, downed power lines and flash flooding could be catastrophic to millions; and

WHEREAS, Hurricane Maria's destruction will cost the territory millions of dollars or more at a time when Puerto Rico is facing crippling debt, thus impacting the local government's ability to provide goods and services to those most in need; and

WHEREAS, in the past cultural organizations in the City of Buffalo have come to the aid of those suffering showcasing Buffalo as the City of Good Neighbors; and

WHEREAS, Puerto Rico is a territory of the United States and as such we all have a responsibility to come to the aid of our fellow Americans in the wake of such terrible devastation.

NOW, THEREFORE, BE IT

RESOLVED, that due to the devastation rendered by Hurricane Maria on the island of Puerto Rico, the Erie County Legislature voices its support for a Cultural Organizations' drive to collect items for those in need.

RESOLVED that copies of this resolution will be sent to the WNY Congressional Delegation, Resident Commissioner Jenniffer Gonzalez, and all other parties deemed necessary and proper.

MR. BURKE moved to approve the item. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

FROM THE COUNTY EXECUTIVE

Item 36 – MR. LORIGO presented the following resolution and moved for consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

RE: EC Sheriff Police Benevolent  
Association - 2017-2021 Successor  
Collective Bargaining Agreement  
(COMM. 17E-1)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the Erie County Sheriff Police Benevolent Association ("PBA") is an employee union organization and represents employees in the office of the Erie County Sheriff; and

WHEREAS, the existing terms and conditions of employment between Erie County and the PBA expired on December 31, 2017 but have remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and the PBA negotiated a successor collective bargaining agreement, covering the period between January 1, 2017 and December 31, 2021; and

WHEREAS, the PBA membership recently ratified the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County and the PBA is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is provided to appropriate up to \$725,000 of undesignated/unassigned fund balance into the appropriate lines of the 2017 Budget of the Sheriff's Office in order to cover the net 2017 costs of this successor agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments to the 2017 Budget to properly fund such increased net costs associated with the PBA contract; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel, Office of the Sheriff and the Erie County Fiscal Stability Authority.

MR. LORIGO moved to amend the item. MR. RATH seconded.

Amend the Third Whereas Clause to reflect the following:

WHEREAS, the existing terms and conditions of employment between Erie County and the PBA expired on December 31, 2016 but have remained binding pursuant to the Taylor Law; and

MR. LORIGO moved to approve the item as amended. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

FROM THE SHERIFF

Item 37 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

RE: Re-Opening Twenty-Year Retirement  
Enrollment  
(COMM. 17E-2)

WHEREAS, the County of Erie has individuals employed by the County of Erie and the Erie County Sheriff's Office in the Criminal Division; and

WHEREAS, these employees were precluded from electing membership in the twenty-year retirement plan pursuant to article 14-b of the New York State Retirement and Social Security Law ("RSSL"), sections 552 and 553 because they failed to receive notification of their eligibility to elect the twenty-year retirement plan until after their enrollment period had closed; and

WHEREAS, the State Retirement System has advised that in order to re-open the enrollment period to allow the adversely impacted employees the twenty-year plan, a bill would need to be introduced in the Erie County Legislature, New York Assembly and the New York State Senate to allow for the re-opening of the enrollment period to allow: Deputies Christopher J. Lysy; Kristine M. Rozycki; Marc J. Bristow; Daniel E. Walczak; Thomas VanWie and Donald Hoelscher, to elect the twenty-year retirement plan.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature, with the support of the bargaining unit representing the aforementioned Deputies as well as the management of the Erie County Sheriff's Office requests that members of the New York State Senate and Assembly who comprise the Western New York delegation sponsor and introduce a bill collective membership of the Assembly and Senate which would allow for the re-opening of the enrollment period to allow the Deputies Christopher J. Lysy; Kristine M. Rozycki; Marc J. Bristow; Daniel E. Walczak; Thomas VanWie and Donald Hoelscher to elect the twenty-year retirement plan; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Western New York Delegation; the County Executive; the Sheriff, the Commissioner of Personnel and the Erie County Sheriff's Police Benevolent Association, Inc.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 38 – MR. LORIGO presented the following resolution and moved for consideration. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RE: Veto of LL Intro. 13-1 (2017)  
(COMM. 17E-3)

MR. LORIGO moved to override the County Executive's veto of Local Law No. 13 (Print #1) 2017. MR. MORTON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 6; NOES: 5)

FAILED.

Item 39 – (COMM. 17E-4) Notice of Finding of No Significant Effect on the Environment - SEQR - Rental Housing Construction Project - 75-77 Center St, City of Lackawanna

Received and filed.

Item 40 – (COMM. 17E-5) Transfer of Property at Bethlehem Steel Site from Buffalo & EC Industrial Land Development Corp. to EC

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 41 – (COMM. 17E-6) Change in State Assistance Procedure for Household Haz Waste Collection Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 42 – (COMM. 17E-7) Letter to County Attorney Regarding Invitation to Attend Committee Concerning ECMCC Borrowing and Credit Mechanism

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 43 – (COMM. 17E-8) Report on Bed Bugs at Erie County Facilities

Item 44 – (COMM. 17E-9) Report on Erie County Industrial Development Agency Lower Income Housing Component Proposal

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ACTING COUNTY CLERK

Item 45 – (COMM. 17E-10) Lease Agreement for Eastern Hills Auto Bureau

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 17E-11) Department of Homeland Security & Emergency Services - Federal Resources Service Contract - Hazmat/WMD Training

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE CLERK OF THE LEGISLATURE

Item 47 – (COMM. 17D-1) Notice Regarding County Executive's Veto of LL Intro. 13-1 (2017)

Received and filed.

FROM THE COMMISSIONER, DEPARTMENT OF PUBLIC WORKS

Item 48 – (COMM. 17D-2) Notice of Disrepair - Prior Written Notice Law

Received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 49 – (COMM. 17D-3) SEQR - Rental Housing Construction Project - 75-77 Center St, City of Lackawanna

Received and filed.

FROM THE COUNTY ATTORNEY

Item 50 – (COMM. 17D-4) Filing of LL Intro. 11-1 (2017)

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 51 – (COMM. 17M-1) Sept. 21, 2017 Board of Trustees Agenda

Received and filed.

**FROM THE NYS DEPARTMENT OF PUBLIC SERVICE**

Item 52 – (COMM. 17M-2) Public Hearing Schedule Regarding Reserve Gas Company Seeking Authority to Exercise a Gas Franchise, Town of Bennington, Wyoming County

Received and filed.

**FROM THE NFTA**

Item 53 – (COMM. 17M-3) Jul. 27, 2017 Board Minutes

Received and filed.

**ANNOUNCEMENTS**

Item 54 – CHAIR MILLS announced a meeting of the EC Citizens' Budget Review Commission is scheduled for Sept. 29, 2017 at the Legislature.

Item 55 – CHAIR MILLS announced the committee schedule for Sept. 28, 2017 will be distributed.

Item 56 – CHAIR MILLS announced the next regularly scheduled legislative session is Oct. 5, 2017.

**MEMORIAL RESOLUTIONS**

Item 57 – Legislator Dixon requested that when the Legislature adjourns, it do so to wish Darren Woods a speedy recovery.

Item 58 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Clarence A. Schultz.

Item 59 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Helen Rizzi.

Item 60 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Shirley Marie Chynoweth and Peter P. Poth.

Item 61 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Joseph Jerry Castiglia.

**ADJOURNMENT**

Item 62 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, October 5, 2017 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, October 5, 2017 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**